

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

NOTICE OF EXECUTION, EXEMPTIONS, AND
RIGHT TO A HEARING

PLEASE READ THIS NOTICE CAREFULLY
YOUR PROPERTY, BENEFITS, OR INCOME MAY BE TAKEN
TO PAY A CREDITOR

_____ The attached *Writ of Execution* has been issued by this Court at the request of a judgment creditor (the Plaintiff) who sued you and got a judgment against you. This means that land or personal property owned by you may be taken by the Plaintiff to pay the judgment against you.

The law provides that certain property cannot be taken to pay judgments. Such property is said to be exempt. The following is a partial list of property that is or may be exempt.

1. A homestead whose value does not exceed the amount allowed under the law. (See Section 78-23-4 of the Utah Code, Annotated regarding the proper procedure to declare and file a homestead)
2. A motor vehicle used in trade or business up to the amount allowed by law
3. Tools of the trade up to the amount allowed by law
4. Social Security Benefits
5. Supplemental Security Income Benefits (SSI)
6. Veteran's Benefits
7. Unemployment Benefits
8. Worker's Compensation Benefits
7. Public Assistance (Welfare)
8. Alimony and/or Child Support
11. Certain Pensions
12. Part or all of the wages or other earnings from personal services
13. Certain household furnishings and appliances,
14. Certain musical instruments
15. Certain heirlooms

This is a **partial list** and other various property exemptions may be available under federal law or the Utah Exemption Statute (Section 78-23 of the Utah Code) for other possible exemptions.

There is no exemption solely because you are having difficulty paying your debts.

The above exemptions may not apply to judgments for alimony, support, or maintenance or to state or local taxes or to allowable claims listed in Utah Code Ann. Section 78-23-10.

If there is a co-owner of the property taken, you or the co-owner should request a hearing.

IF THE PROPERTY DOES NOT BELONG TO YOU, OR IF YOU ARE AWARE OF OTHER REASONS WHY THIS PROPERTY SHOULD NOT BE TAKEN, YOU OR THE OWNER OF THE PROPERTY MAY WANT TO CONSULT AN ATTORNEY.

Because of the execution, the sheriff or constable has seized your property and will deliver it to the Plaintiff or sell it.

If you believe that the Writ of Execution was issued improperly or you are entitled to an exemption, DO THE FOLLOWING IMMEDIATELY. You have a deadline of ten(10) days from the date the Plaintiff mailed or delivered this notice to you.

1. Check the appropriate box(es) in paragraph one of the attached "Request for a Hearing."
2. Sign your name in the space indicated and write the address where the Court Clerk is to notify you of the hearing.
3. Mail or take the "Request for Hearing" to the Court Clerk and to the Plaintiff or the Plaintiff's attorney within ten (10) days from the date this notice was mailed or delivered to you. Keep a copy for your records. The Court will set the matter for hearing and notify you. You have the right to a hearing within ten (10) days from the date the Court Clerk receives your claim. At the hearing in Court, you will have to prove that your property is exempt or the Writ of Execution was not properly issued. You should bring any documents which may help to prove your claim.

A KNOWINGLY MADE FALSE STATEMENT ON THE FORM MAY SUBJECT YOU TO CRIMINAL PENALTIES.

You may want to consult an attorney for advice or assistance concerning the hearing. If you do not come to Court at the designated time and prove that the execution was issued improperly or that your property is exempt, you may lose some of your rights.

If you do not request a hearing within the time specified above, but believe that the execution was issued improperly or that you are entitled to an exemption, you should consult an attorney.